

Meeting of 2009-3-5 Special Meeting

MINUTES
LAWTON CITY COUNCIL SPECIAL MEETING
MARCH 5, 2009 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 Frank Jensen, City Attorney
 Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: James Hanna, Ward Two
 Janice Drewry, Ward Three
 Jay Burk, Ward Four
 Robert Shanklin, Ward Five
 Richard Zarle, Ward Six
 Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: Bill Shoemate, Ward One

BUSINESS ITEMS:

1. Consider receiving a briefing and approving the submittal of the Engineering Study & Report for the WWTP Improvements prepared by Black & Veatch Corporation to the ODEQ as required by a Consent Order Agreement. Exhibits: Executive Summary from the Study and Report. Presentation.

Jerry Ihler, Public Works Director, stated in 2007 the City of Lawton received a notice of violation from the Oklahoma Department of Environmental Quality (ODEQ) for exceeding some of our discharge permit limits at the wastewater treatment plant. In January 2008, as a result of that notice of violation we negotiated a consent order with ODEQ which directed the City of Lawton to hire an engineering consultant to come in and analyze and evaluate the process and operation of the plant and the age and condition of the equipment. We had to have the consultant on board by October 1, 2008 and they were given six months to complete the report and we are to submit that report to ODEQ by April 1, 2009. In August 2008, the City of Lawton entered into a contract with Black and Veatch to do this analysis and evaluation of the wastewater treatment plant. He stated we broke the project into two phases. One was to address the compliance issue and the ODEQ report. Since we were hiring the firm to look at the plant, we also entered into an agreement with them to look at a phase II which was a long term evaluation for the year 2030. Black and Veatch have completed their report and Mr. Joe Aillet is here to go over the report.

A presentation was made by Joe R. Aillet, P.E., Black & Veatch (attached).

Shanklin questioned if this problem was caused by the flooding.

Ihler stated it is because we were out of compliance with limits. The flooding contributed to a large part of the problem.

Mr. Aillet stated they do have a report that they will be issuing to ODEQ at the end of the month. They are optimistic that ODEQ will embrace the recommendations and the existing consent order will be amended.

Haywood questioned how long the plant has been here.

Ihler stated 1978.

Haywood stated basically there will always be the potential to be out of compliance and we will always have a problem.

Zarle stated in 1995 or 1996 they put a massive amount of money into the plant.

Ihler stated back then it was a ten million gallon a day plant. At that time they increased the capacity from ten million gallons a day to eighteen million gallons a day. He stated he does not believe they spent money on replacing equipment.

Shanklin stated it looks like we did not have the right type of people working out there to know when something went wrong.

Ihler stated they could look at doing a better job of training, but they don't have enough staff to make it work. They need to look at making improvements or replacing the equipment. When a piece of equipment fails in one area it creates all kinds of problems in other areas and we get out of compliance.

Shanklin questioned if they just need bodies.

Ihler stated he needs people that are trained in the area of water and wastewater.

Hanna stated the presentation recommended \$150,000 for manuals. He questioned who was going to teach the employees to read these manuals. Do they have trained employees right now?

Ihler stated they have people who can read these manuals. He stated right now they do not have adequate manuals on the procedures.

Hanna questioned why it would cost \$75,000 for an SOP. Don't we write up our own?

Ihler stated we have standard operating procedures that we follow and we need to improve these procedures. He stated we get good people, we train those people and then they leave. It is difficult to get these people to stay in Lawton. Part of it is our pay plan and part of it is our baby boomers retiring. The area of water and wastewater has become a very skilled and highly expertise area. He stated we are on our fifth superintendent in five years. They have capable people, there just aren't enough of them.

Mitchell stated that Fort Sill is also recruiting these people. We are competing with Denver, Dallas, Houston and Oklahoma City.

Mitchell stated we cannot ignore this and do nothing.

Ihler stated if we do nothing, ODEQ will come back and force us to do this. He would much rather negotiate with ODEQ and do this on our terms, much like the sewer rehab program. He stated the problem we have is that we do not have the funding to move forward with the engineering. It is not in the budget or in any of the CIP's. They have looked at the 2005 CIP where there is some funding for the sewer rehab program. By doing this in house, they saved the community \$3 million. They feel they will save some additional funds in phase II and the bond counsel agrees that this infrastructure improvement is something that could be utilized with those funds. He would like to come back on the March 24th Council meeting to amend the contract with Black and Veatch to move into the design phase. They would like to fast track this project and submit to ODEQ and OWRB to get some funds from the potential stimulus package. He stated they broke the project up into two phases, concrete and structures and equipment replacement. They should put together package one for about \$4.4 million and submit that to ODEQ. With the stimulus package they want them shovel ready in 90-100 days, so they need to move forward with that process if we have any chance of getting some of that money. He stated they will also be submitting some sewer rehab projects and if they get some money for these projects that will free up some money for this project. This will be paid from 2005 CIP sewer rehab funds.

Shanklin questioned if the \$10 million was the construction part.

Ihler stated yes, the \$10.5 million is all construction to get it into compliance.

Haywood questioned if the stimulus money was a loan or a grant.

Ihler stated he is hearing that it would be 20/80. If they gave us \$10 million, up to 20%, or \$2 million would be grant free and the other 80% or \$8 million would come in the form of a loan.

Wells stated some of the stimulus money is completely free.

Ihler stated on the water and wastewater side, the federal government is funneling it through the states and they

will forgive 20%, or a maximum of \$2 million. This has not been finalized yet.

Mayor Purcell stated he and the City Manager have had conversations with state and federal legislators because what is happening is the federal government is giving money to the state to use as a grant and for some reason the state has the idea to use this as a loan. That was not the intent of the stimulus package.

Ihler personally thanked Rusty Whisenhunt who has left to become the Utilities Director at Fort Hood in Killeen, Texas. He stated Rusty has saved this community millions of dollars through his management of the sewer rehab program. We have utilized him as construction manager for wastewater treatment plant construction and the water treatment plant construction which would have been \$500,000 - \$700,000 contracts over a three year period with each job.

Shanklin stated the City of Lawton was nationally recognized for a program that Rusty monitored.

Wells stated that one of the things that Rusty took into consideration was the potential change in the retirement plan for city employees. Not only is salary important, but also the other benefits can cause someone with skills to leave the City.

Mitchell stated on that note, we are challenged with recruitment and many people look at employment with us from the state of Texas, but Texas has a very progressive retirement program and it is very hard to get people to move here.

Burk stated we have got to stop talking about 1983 and talk about 2009. We need to talk about what is relevant today or we will always be sitting here with the same arguments. Since he has been on this Council he has heard more about what happened forty years ago. He is worried about the future.

MOVED by Drewry, SECOND by Haywood, to approve the submittal of the engineering study and report for the WWTP improvements prepared by Black & Veatch to the ODEQ as required by a consent order agreement. AYE: Hanna, Drewry, Burk, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Ihler stated that hopefully he will bring back an amendment to Black and Veatch s contract at the March 24th City Council meeting.

Zarle questioned if the ventilation fans have been repaired.

Mr. Aillet stated some of them have been repaired and brought back into service, but not all of them.

Zarle questioned if they should all be in service. This is a safety hazard.

Mr. Aillet stated there are fifteen buildings that they would like to redo the HVAC.

Zarle questioned if this needs to be done right now since it is a safety issue. This is a liability.

Ihler stated safety is a number one priority. He stated there are monitors and they check these monitors before they go into the building.

There being no further business to consider, the meeting adjourned at 6:58 a.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.
JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci Hushbeck
TRACI HUSHBECK, CITY CLERK